IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

CHAMBER SUMMONS No.928 of 2006.

IN

SUIT No.4913 of 2000.

Majid A.Oomerbhoy. ..Plaintiff.

V/s.

Rashid S. Oomerbhoy & Ors. ..Defendants.

And

The Court Receiver
High Court,
Bombay. ..Respondent.

Mr.S.Jain a/w Ms. Deepa Mane
& Ms. T.Saria i/b. S.K. Srivastav
& Co. for Defendant No.1.

Mr.D.V.Deokar, 1st Asstt. to Court Receiver
present.

Mr. R.S. Jaisinghani i/b Mr. Munir Merchant
for Respondent No.2.

Mr. Mukul Taly i/b. S. Mahamedbhai & Co.
for Defendant No. 2 to 4.

Mr. Z. Jariwalla i/b. Thakore Jariwalla &
Associates for Plaintiff.

CORAM:S.C.DHARMADHIKARI,J.

DATED: 2ND AUGUST, 2006.

P.C.:-

1] Upon particulars being furnished to the Court Receiver, liberty is granted to renew the request in terms of prayer clause (a) of this Chamber Summons.

2] After hearing parties, at some length and perusing this Application, I am of the

view that in the light of the grievances arising out of infringement of the trade mark of the firm and its copy right therein, it would be appropriate if the first defendant is permitted to institute/defend the litigation. However, it would be without prejudice to the rights and contentions of parties to the present suit. It is clarified that the first defendant is defending and/or instituting this litigation on the basis that the Court Receiver being appointed by this Court,it is essential to assist him. To prevent misuse and/or frustrating of the firm's mark and copy right that the first defendant is seeking this permission. The first defendant would be at liberty to apply to all Courts for impleading the Court Receiver as party to this litigation. In the meanwhile, the first defendant to defend the same and/or institute proceedings for and on behalf of the firm. Needless to state that in all such proceedings parties to implead Court Receiver appointed in this Suit as party. The costs, charges and expenses for the above are presently being borne by the first defendant. It is open for him to claim reimbursement from and out of the funds with of the Court Receiver and such application if made shall be dealt with on its own merits and in accordance with law.

3] Chamber Summons is disposed of.

[S.C. DHARMADHIKARI,J]